

REMARKS

Claims 5-8, 14-17, 23-26, 32-35 and 41-44 are in the application.

The specification has been amended to update the cross-reference to a prior application.

Claims 1-4, 9-13, 18-22, 27-31, 36-40 and 45-66, drawn to a non-elected invention and withdrawn in the Examiner's Action from consideration, have been cancelled without prejudice to presentation in a divisional application.

Claims 5-8, 14-17, 23-26, 32-35 and 41-44 stand provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-32 of copending Application No. 10/679,898.

This rejection is respectfully traversed, and reconsideration and withdrawal of the rejection are respectfully requested, in light of the accompanying terminal disclaimer.

The Examiner explains that although the conflicting claims are not identical, they are not patentably distinct from each other because it would have been obvious to one having ordinary skill in the art at the time of the invention to rearrange and omit parts of the copending Application 10/679,898. The Examiner further explains that this is a provisional obviousness-type double patenting rejection because the conflicting claims had not in fact been patented.

However, since the date of notification of the present action, Application No. 10/679,898 issued as U.S. Patent 7,241,500.

Consequently, applicants enclose herewith a terminal disclaimer in respect of the nonobviousness-type double patenting rejection.

An early notice of allowance is respectfully requested.